

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**GULF COAST BEACH BLVD., L.L.C.  
and GULF COAST BEACH BLVD., S, L.L.C.**

**PLAINTIFFS**

**v.**

**CAUSE NO.: 1:09-cv-681-LG-RHW**

**FIDELITY NATIONAL TITLE  
INSURANCE COMPANY**

**DEFENDANT-THIRD-PARTY PLAINTIFF  
COUNTER-DEFENDANT**

**v.**

**PATRICIA DUNAY      THIRD-PARTY DEFENDANT/COUNTER-PLAINTIFF  
CROSS-PLAINTIFF/FOURTH PARTY PLAINTIFF**

**v.**

**GULF COAST BEACH BLVD., L.L.C.  
and GULF COAST BEACH BLVD., S, L.L.C.      THIRD PARTY PLAINTIFFS/  
MARCUS L. GIUSTI; HANNAN, DRAKE &      CROSS-DEFENDANTS/  
GIUSTI, LLP, a Louisiana Limited Liability      FOURTH PARTY  
Partnership; LEONARD SAMIA; LISA A. REPPETO;      DEFENDANTS  
WATKINS LUDLAM WINTER AND STENNIS, INC.,  
a Mississippi Corporation; JONES-WALKER, LLP,  
a Louisiana Limited Liability Partnership, and  
John Doe 1-5**

**ORDER DENYING MOTION FOR RECONSIDERATION  
AND GRANTING LEAVE TO FILE AMENDED MOTION TO DISMISS**

BEFORE THE COURT is the Motion [95] for Reconsideration filed by Fourth Party Defendants Hannan, Drake & Giusti, L.L.P. and Marcus L. Giusti. (“Giusti”). There has been no response filed. After due consideration of the matter presented, it is the Court’s opinion that reconsideration is not merited. However, the Giusti defendants will be granted leave to file and amended motion to dismiss.

## DISCUSSION

The Giusti defendants object to the Court's entry of a Text Only Order on September 12, 2014, in which the Court found as moot the motion to dismiss of separate defendants. The reason for the Order was that the movants had entered into an agreed order of dismissal, and therefore it was unnecessary to rule on their motion to dismiss. However, the Giusti defendants had previously filed a "joinder" in the separate defendants' motion to dismiss. They seek reconsideration of the Court's Order mootting the separate defendants' motion to dismiss so that the arguments therein can be considered in connection with the Giusti defendants' own motion to dismiss.

The Court declines to reconsider its Order mootting the separate defendants' motion to dismiss. Moreover, there is no provision for "joinder" of motions made by other parties under THE LOCAL UNIFORM CIVIL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN AND THE SOUTHERN DISTRICT OF MISSISSIPPI (the Local Rules).<sup>1</sup>

The Giusti defendants requested alternative relief in the form of an opportunity to amend their motion to dismiss. The Court finds this request well-taken. Accordingly, the Giusti defendants will be granted an opportunity to file an amended motion to dismiss and supporting memorandum brief.

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<sup>1</sup>"Any written communication with the court that is intended to be an application for relief or other action by the court must be presented by motion in the form prescribed by this Rule." *See* L.U.Civ.R. 7(b).

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Motion [95] for Reconsideration filed by Fourth Party Defendants Hannan, Drake & Giusti, L.L.P. and Marcus L. Giusti is **DENIED**.

**IT IS FURTHER ORDERED AND ADJUDGED** that Fourth Party Defendants Hannan, Drake & Giusti, L.L.P. and Marcus L. Giusti are granted until October 20, 2014, to file an amended motion to dismiss and memorandum in the form and manner prescribed by the Local Rules. Responses and replies are due within the time periods set out in the Local Rules.

**SO ORDERED AND ADJUDGED** this the 10<sup>th</sup> day of October, 2014.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE